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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/054,745

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Brendan M. Donohoe

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01/16/2009

CARDICA, INC.

900 SAGINAW DRIVE

REDWOOD CITY, CA 94063

EXAMINER

BUI, VY Q

ART UNIT

PAPER NUMBER

3773

MAIL DATE

DELIVERY MODE

01/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* BRENDAN M. DONOHOE, THEODORE M. BENDER,  
BRIAN R. DUBOIS, SCOTT O. CHAMNESS, STEPHEN A. YENCHO,  
JAIME S. VARGAS, NATHAN H. WHITE, GREGORY B. ARCENIO,  
HEATHER L. KLABUERT, and RUSSEL C. MEAD JR.

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Application No. 10/054,745  
Technology Center 3700

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Mailed: January 16, 2009

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Before PAULA CONN *Paralegal Specialist*  
CONN, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on March 23, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

**INFORMATION DISCLOSURE STATEMENT**

Appellants filed an Information Disclosure Statement (IDS) dated May 27, 2005. While it appears the examiner may have considered at least some of the references cited on the above Information Disclosure Statement, the examiner's signature/ initials have not been provided at the bottom of the PTO\_1449. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above Information Disclosure Statement is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Reply Brief filed March 23, 2007 as indicated above;
- 2) consider the Information Disclosure Statement filed May 27, 2005;  
and
- 3) for such further action as may be appropriate.

Application No. 10/054,745

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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